

### REMARKS

The following remarks are made in response to the Office Action mailed August 6, 2007. Claims 1-20 were rejected. Claims 1-20 remain pending in the application and are presented for reconsideration and allowance.

#### Claim Rejections under 35 U.S.C. § 103

Claims 1-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0115385 (Adamane).

Although the Office Action lists Adamane as a “newly cited reference” in the present Office Action (p. 2), Applicants respectfully point out that Adamane was cited by Applicants in an Information Disclosure Statement filed concurrently with the filing of the present application. Adamane was previously considered by the Examiner as evidenced by the Examiner’s initials and signature on Form PTO-1449 dated February 25, 2005. Applicants respectfully request that the indication of allowability of at least claims 1-8 and 15-20 be reinstated for at least the following reasons.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references must teach or suggest all the claim limitations. MPEP §§ 2143 & 2143.03. The Office Action plainly concedes that Adamane does not teach “a test module card” as recited in claims 1, 9, and 15. Office Action p. 7. Accordingly, Applicants respectfully submit that the Office Action fails to set forth a *prima facie* case of obviousness under 35 U.S.C. § 103(a) for at least this reason.

In addition for claim 1, Adamane does not teach or suggest “wherein the test module card is configured to obtain access to a portion of the memory from the operating system” as recited in claim 1. The Office Action cites paragraph [0015] of Adamane as a teaching of this feature of claim 1. Paragraph [0015] of Adamane, however, does not describe any interaction between a test module card and an operating system. Accordingly, Applicants respectfully submit that Adamane also does not teach or suggest the above feature of claim 1.

Further, Adamane further does not teach or suggest “wherein the test module card is configured to cause tests to be performed on the portion of the memory using direct memory access (DMA) subsequent to obtaining access to the portion of the memory” as recited in claim 1 (emphasis added). Adamane teaches away from this feature of claim 1 by teaching that “[t]he present invention provides a method, computer program product, input/output device, and computer system for stress testing the I/O subsystem of a

computer system.” Adamane, paragraph [0005], lines 1-3. Accordingly, Applicants respectfully submit that Adamane also does not teach or suggest the above feature of claim 1.

Applicants respectfully submit that claim 1 and claim 2-8 which depend from claim 1 patentably distinguish over the cited reference for at least these additional reasons.

Applicants also respectfully submit that claim 9 along with claim 10-14 which depend from claim 9 and claim 15 along with claim 16-20 which depend from claim 15 further patentably distinguish over the cited reference for reasons similar to the additional reasons given above for claim 1.

### **CONCLUSION**

In view of the above, Applicants respectfully submit that pending claims 1-20 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-20 is respectfully requested.

The Examiner is invited to contact the Applicants’ representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Christopher P. Kosh at Telephone No. (512) 231-0533, Facsimile No. (512) 231-0540 or David A. Plettner at Telephone No. (408) 447-3013, Facsimile No. (408) 447-0854. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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